

**FILED**

JAN 06 2016

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES OF AMERICA,

CR 10-22-GF-BMM

Plaintiff,

**ORDER**

vs.

LUKE JOHN SCOTT,

Defendant.

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on December 21, 2015. Defendant admitted he had violated the Preamble to the Standard Conditions of his supervised release by committing a crime, he had violated Standard Condition 1 of his supervised release by leaving the District of Montana without permission, he had violated Standard Condition 7 of his supervised release by using marijuana and by taking hydrocodone without a valid prescription, he had violated Special Condition 1 of his supervised release by failing to report for substance abuse testing, and he had violated Special Condition 2 of his supervised release by failing to report for substance abuse treatment. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court

revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of eight months, with no supervised release to follow.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated the Preamble to the Standard Conditions, Standard Conditions 1 and 7, and Special Conditions 1 and 2. Defendant could be incarcerated for up to 24 months, followed by 13 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of five to 11 months. A sentence of eight months in custody, followed by no months of supervised release is appropriate. Defendant has violated the terms of his supervised release on three prior occasions. The sentence is sufficient but not greater than necessary.

Defendant has requested that the Court recommend placement for him at FCI Sandstone in Minnesota so his family may visit him. (Doc. 72). The Court

will make the recommendation.

IT IS ORDERED that Judge Johnston's Findings and Recommendations  
(Doc. 71) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 5th day of January, 2016.



Brian Morris  
Brian Morris  
United States District Court Judge